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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 69th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

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Report to the Economic and Social Council on the forty-ninth session of the Commission

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-12277 (E)

The meeting was called to order at 4.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

Explanations of vote

1. Mr. WILLIS (Australia) said that his delegation had voted in favour of the draft resolution on the situation in East Timor, although it believed that adoption by consensus would have constituted a more adequate acknowledgement of certain positive steps taken by the Indonesian authorities during the past year and held out more promise for the furtherance of human rights in East Timor; it was regrettable that negotiations to that end had not succeeded.

2. Mr. Bong Joo MOON (Republic of Korea) said that his delegation's regret at the failure to reach a compromise on the resolution on the situation in East Timor stemmed essentially from its belief in the overriding merit of consensus procedure as a means of enhancing the efficacy of the Commission's decisions. Although it would have preferred not to be faced with such a choice, his delegation had first endorsed the motion that no action be taken, and then abstained in the vote on the draft resolution (E/CN.4/1993/L.81/Rev.1). In both actions, its foremost concern had been to facilitate the creation of an environment in which the forthcoming consultations between the parties involved, under the auspices of the Secretary-General, would yield results satisfactory to all.

3. Mr. MARUYAMA (Japan) said that, given the need to indicate the interest of the international community in the situation in East Timor and to encourage Indonesia further to improve the situation there, his delegation had been able to accept some of the ideas contained in the resolution thereon. It had, however, abstained during the vote because, inter alia, the resolution did not take proper account of the concerns of the Indonesian side or of the steps already taken by the Indonesian Government.

4. Mr. CHABÉN (Uruguay) said that, for unavoidable reasons, his delegation had been absent during the vote on the draft resolution, on the situation in East Timor, which it would have supported.

5. Mr. EL FAKIM SALEH (Libyan Arab Jamahiriya) said that, for unavoidable reasons, his delegation had been absent during the vote on the draft resolution on the situation in East Timor. It had had, however, clear instructions from its Government not to support the resolution, in the belief that it did not reflect what had been done to improve the situation in East Timor and would not contribute to further improvement there.

6. Mr. HITAM (Malaysia), in a general explanation of vote on resolutions and decisions adopted by the Commission during the session, said that his delegation believed that, with the end of the cold war and of East-West ideological rivalry, the time was ripe to approach the question of protecting

and promoting human rights in a constructive and cooperative spirit based on objectivity, non-selectivity and the non-politicization of issues. It also believed that the time had come for the Commission to take a more holistic approach to human rights and not to be too preoccupied with questions of individual rights and freedoms. Realization of the right to development would facilitate the fulfilment of the goals of both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Political and Civil Rights.

7. Bearing those considerations in mind, and being firmly committed to constructive dialogue and cooperation, his delegation had been a sponsor of more than a dozen resolutions and had supported all the consensus resolutions adopted during the session. It set particular store by the draft resolutions on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance; on the rape and abuse of women in the territory of the former Yugoslavia; on the right to development; on documentation and appointments; and on the effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and existing international standards.

8. His delegation had also strongly supported the initiative by the observer for Palestine that a special rapporteur be appointed to investigate human rights violations by Israeli authorities in the occupied Palestinian territories including Jerusalem.

9. That being said, he wished to voice his delegation's serious concern at the increasing tendency to politicize human rights issues in the Commission's work. More particularly, it took strong exception to approaches made by representatives of certain Western countries to its authorities in Kuala Lumpur regarding the votes on a number of the draft resolutions before the Commission.

10. A confrontational and adversarial approach, accompanied by various forms of pressure tactics, was not conducive to the protection and promotion of human rights; nor were politically motivated moves to bypass well-tested procedures within the Commission, such as the confidential procedure under Economic and Social Council resolution 1503 (XLVIII). Furthermore, the tendency to push through resolutions that might well go beyond the competence and mandate of the Commission, while also contravening the United Nations Charter, particularly Article 2, paragraph 7, on non-interference in the domestic affairs of sovereign States, could undermine the Commission's overall credibility.

11. In addition, his delegation also regretted that, in initiating a number of resolutions on country situations, the same groups of delegations had not seen fit to conduct serious and adequate consultations with representatives of the developing countries, regional groups and members of the Non-Aligned Movement. It was for all those reasons that his delegation had not supported the draft resolutions on a number of country situations. Its reasons for moving the motion of no action on East Timor and supporting the no action motion on China had already been explained.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

12. The CHAIRMAN read out the following text of a draft decision entitled "Organization of the work of the fiftieth session":

> "At its 69th meeting, on 12 March 1993, the Commission, taking into account its heavy schedule of work and that of its sessional working groups, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years, the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to the forty-ninth sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council for the Commission's fiftieth session, and (b) to request the Chairman of the Commission at its fiftieth session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary".

13. The draft decision read out by the Chairman was adopted without a vote.

14. The CHAIRMAN said that, although the rationalization of the work of the Commission was a perennial and universally shared concern, the latest consultations had not produced any proposal to that end which could command a consensus. In order, therefore, to keep the question open, he suggested that the Commission adopt a draft resolution substantially identical to that adopted in 1992, namely:

"Rationalization of the work of the Commission

The Commission on Human Rights,

Recalling its resolution 1992/83 in which the Commission decided to discuss the question of restructuring its agenda,

Concerned about the considerable increase in the workload, including the growing number of resolutions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

Realizing that restructuring the agenda of the Commission would not be sufficient per se but should be paralleled with a rationalization of its work, as well as a reduction in the amount of documentation provided to it at each session,

1. Decides to consider the rationalization of its work at its fiftieth session;

2. Affirms that such a comprehensive process could only take place through consultations and on the basis of consensus in the Commission."

15. The draft resolution read out by the Chairman was adopted without a vote.

DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE COMMISSION (agenda item 29) (E/CN.4/1993/L.1)

16. The CHAIRMAN, pointing out that the draft provisional agenda for the fiftieth session was before the Commission for information only, asked if there were any comments concerning it.

17. Mr. NICULESCU (Romania) said that, in accordance with a decision by the Commission at its current session, the case of Romania, mentioned in the draft provisional agenda for the fiftieth session under item 12 (b), would be taken up under item 19 (Advisory services in the field of human rights).

18. The CHAIRMAN, noting that the same was true of Albania, said that the necessary corrections would be made to the provisional agenda.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-NINTH SESSION OF THE COMMISSION (agenda item 30) (E/CN.4/1992/L.10 and Add.1-26, L.11 and Add.1-10)

19. The CHAIRMAN invited the Rapporteur to introduce the Commission's draft report, the various chapters of which would be considered as they became available.

20. Mr. KEDZIA (Poland), Rapporteur, drew attention to the essentially procedural nature of the report before the Commission. The contents of statements made in the course of the session were reflected in the summary records, which did not form part of the report.

21. The first part of the report, which related mainly to the agenda items, was contained in document E/CN.4/1993/L.10 and Add.1-26. The second part, containing the resolutions and decisions adopted by the Commission, including recommendations for action by the Economic and Social Council, would be found in document E/CN.4/1993/L.11 and Add.1-10.

22. The texts before the Commission were still being edited on the responsibility of the Rapporteur, and would be finalized after the session. He drew attention to the procedure for submitting corrections. The final report, together with its annexes, would be placed before the Economic and Social Council at its regular session in late June 1993.

23. He expressed his gratitude to the Secretariat for its efficient assistance in its execution of his task.

Adoption of the draft report

Chapters XXVII and XXVIII (E/CN.4/1993/L.10/Add.1 and 2)

24. Chapters XXVII and XXVIII were adopted.

Chapter IV (E/CN.4/1993/L.10/Add.4)

25. Chapter IV was adopted.

Chapters VI, VII, VIII and IX (E/CN.4/1993/L.10/Add.6, 7, 8 and 9)

26. Chapters VI, VII, VIII and IX were adopted.

Chapters XV, XVI, XVII and XVIII (E/CN.4/1993/L.10/Add.15, 16, 17 and 18)

27. Chapters XV, XVI, XVII and XVIII were adopted.

Chapters XXII and XXIII (E/CN.4/1993/L.10/Add.22 and 23)

28. Chapters XXII and XXIII were adopted.

Chapters XXV and XXVI (E/CN.4/1993/L.10/Add.25 and 26)

29. Chapters XXV and XXVI were adopted.

30. The CHAIRMAN said that the meeting would be suspended until the remaining parts of the report had been distributed in all languages.

The meeting was suspended at 4.45 p.m. and resumed at 6 p.m.

31. Mr. PETROVSKY (Director-General of the United Nations Office at Geneva) having paid tribute to the untiring efforts of the Commission on Human Rights to secure peace and improve human rights, said that the United Nations was facing totally unprecedented challenges, with a shift in focus after the end of the cold war from passively registering ideological differences to actively addressing the pressing issues that challenged all its Members throughout the world. The Organization's main tasks were no longer limited to preventive or peace-keeping measures, but included peace-building, which had led to a revitalization of the ideas contained in the Charter of the United Nations.

32. In order successfully to meet the new challenges facing the United Nations it was necessary to strengthen the ability of the United Nations family to work together under one roof, to develop a new global and regional partnership centred around issues and based on informal but effective mechanisms of consultation and dialogue.

33. Economic and social development was indivisible from peace-building and remained a priority of the Organization, together with the strengthening of democratic institutions which were the solid base upon which the whole fabric of a world of peace and justice within broader freedom was founded.

34. The importance of the Universal Declaration of Human Rights which, in his view, equalled that of the United Nations Charter meant that respect for the Charter internationally should be matched by respect for the Universal Declaration nationally. With the end of the cold war, whose major lesson had been that lack of respect for human rights and fundamental freedoms resulted in the demise of those Governments which consistently denied the inherent rights of individuals, the ideological differences of the past could no longer be used as a pretext to stop or delay the efforts of the international community for the widest possible realization of human rights standards. Democratization of the international process meant that, while no country should forcefully impose its will on another member of the international community, no country had a right to violate human rights with impunity.

35. In an international situation marked by cooperation rather than confrontation, there was an urgent need for the international community to go beyond mere condemnation of human rights violations and to assist countries by providing the technical know-how and the means to make human rights violations impossible. As in the field of international peace and security, preventive diplomacy had an increasingly important role to play in human rights through monitoring, technical cooperation and assistance. In that connection, he was pleased to note that the Commission had been able to increase the number and range of the tasks entrusted to special rapporteurs. The emphasis given to the role of human rights monitoring in problem areas or areas of conflict was particularly important, and he expressed the hope that even more attention would be given in the future to the development of new mechanisms of a preventive nature, including early warning.

36. The World Conference on Human Rights would provide the international community with an opportunity to deal at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights, to take stock of the progress made and identify obstacles to further progress and means of overcoming them. He hoped that the international community would seize the opportunity to bridge the gap between lofty universal principles and the real individuals and groups through whom human rights became a reality.

37. Human rights was a top priority for the international community and, as Director-General of the United Nations Office at Geneva, he would continue to stress the importance of human rights in his diplomatic activities and to pay special attention to the growing needs and complexity of the tasks of the Centre for Human Rights. In order to overcome the disparity between the tasks entrusted to the Centre and the resources available to it, he would give instructions for a review of the administrative and financial support provided to the Centre with a view to increasing it in line with the recommendations of the Management Advisory Service Report and would establish a task force to review the level of support required by the Centre from Conference Services. He would also review the level of support that the Centre received from the information and non-governmental organization services available at the Office so as to maximize existing resources and enhance their effectiveness for the benefit of Governments, NGOs, the media and the wider human rights community.

38. He commended the results the Commission had been able to achieve, often by consensus, on a wide range of issues and said that it was heartening that

it had been able to reach new ground in a number of cases and had stressed the importance of cooperation with regional mechanisms. In order to enhance its effectiveness further, the Commission might wish to give even more attention in the future to early warning and preventive action and consider the apparent contradiction between the number of requests for assistance by Governments to develop democratic institutions and the lack of the required funds. It might also endeavour to develop new forms of cooperation, not only with international, but also with national NGOs. He noted that there were still countries where people had never heard of the Commission and the various control mechanisms.

39. Lastly, he gave an assurance that he would maintain the focus of his attention on human rights matters and on the political implications of human rights. He would hold regular meetings with the heads of UNHCR, the Centre for Human Rights and the Geneva Office of the Department of Humanitarian Affairs in order to review political and substantive questions of relevance to the humanitarian role of the action of the United Nations Office at Geneva in order to reinforce one of the most vital aspects of the Office's work: the fundamental rights and freedoms of every single child, woman and man on earth.

40. The CHAIRMAN said that, as the remaining chapters of the report were still not available in all languages, they would be considered at the next meeting.

The meeting rose at 6.15 p.m.

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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 70th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 12 March 1993, at 8 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

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Report to the Economic and Social Council on the forty-ninth session of the Commission (continued)

Concluding statements

Closure of the session

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GE.93-12280 (E)

The meeting was called to order at 8 p.m.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-NINTH SESSION OF THE COMMISSION (agenda item 28) (continued) (E/CN.4/1993/L.10/Add.2, 3, 10-14 and 19-21, E/CN.4/1993/L.11 and Add.1-10)

1. The CHAIRMAN invited the Commission to continue its consideration of the draft report.

Chapter XXVIII (E/CN.4/1993/L.10/Add.2)

2. Chapter XXVIII was adopted.

Chapter III (E/CN.4/1993/L.10/Add.3)

3. Chapter III was adopted.

Chapter X (E/CN.4/1993/L.10/Add.10)

4. Chapter X was adopted.

Chapter XI (E/CN.4/1993/L.10/Add.11)

5. Chapter XI was adopted.

Chapter XII (E/CN.4/1993/L.10/Add.12)

6. Chapter XII was adopted.

Chapter XIII (E/CN.4/1993/L.10/Add.13)

7. Chapter XIII was adopted.

Chapter XIV (E/CN.4/1993/L.10/Add.14)

8. Mr. ALFONSO MARTINEZ (Cuba), referring to paragraph 10 of the document, said that the representative of the United States of America had not requested a roll-call vote, but merely a vote. It was the delegation of Cuba that had asked for the roll-call vote.

9. Mr. DESSER (Austria) said that, in paragraph 13, Austria should be included in the list of sponsors.

10. The CHAIRMAN said that the Secretariat had taken due note of those comments.

11. Chapter XIV was adopted.

Chapter XIX (E/CN.4/1993/L.10/Add.19)

12. Chapter XIX was adopted.

Chapter XX (E/CN.4/1993/L.10/Add.20)

13. Chapter XX was adopted.

Chapter XXI (E/CN.4/1993/L.10/Add.21)

14. Chapter XXI was adopted.

Chapter II (E/CN.4/1993/L.11 and Add.1-10)

15. Mr. HELLER (Mexico) said that, in draft resolution 1993/93 on human rights in El Salvador (E/CN.4/1993/L.11/Add.8), the English text was not consistent with the Spanish original; the word "consolidar" ("consolidate") was missing from the English version of operative paragraph 10.

16. The CHAIRMAN said that the Secretariat would make the necessary change.

17. Chapter II was adopted.

18. Mr. PACE (Secretary of the Commission) said that the Commission had adopted a number of draft resolutions that had financial implications for the regular budget of the Centre for Human Rights in 1993 and the following years. In accordance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, statements on the administrative and programme budget implications of the proposals contained in the resolutions had to be prepared for consideration by the Economic and Social Council.

19. Those statements had been submitted in draft form to the Office of Programme Planning, Budget and Finance at United Nations Headquarters for review and clearance. At the same time, when adopting the draft resolutions, members of the Commission had been informed orally of the estimated costs involved in the implementation of the activities envisaged under the resolutions.

20. He had just been notified by the Office of Programme Planning, Budget and Finance that, due to time constraints, the review of all statements on administrative and programme budget implications could not be finalized before the conclusion of the Commission's forty-ninth session. Accordingly, note should be taken by the members of the Commission that the costs reported orally at the time of adoption of the resolutions should be considered as preliminary indicative estimates of the resources needed by the Centre for Human Rights to undertake the activities requested in such resolutions.

21. Once finalized, the statements on administrative and programme budget implications would be submitted to the Economic and Social Council in the context of its review of the report on the forty-ninth session of the Commission. Subsequently, subject to the Economic and Social Council's adoption of the relevant draft resolutions, the Secretary-General would request the authorization of the Advisory Committee on Administrative and Budgetary Questions to commit the additional resources required for 1993, based on the cost estimates reflected in the statements of the administrative and programme budget implications.

22. Mr. MWENDA (Zambia) said that in order to expedite the work of the Commission, his delegation would send the Chairman the text of its comments on the statement by the new Director-General, which the Chairman could then communicate to him.

23. Mr. VAN CRAEN (Observer for Belgium) said that his delegation should be included in the list of sponsors in paragraph 14 of draft resolution E/CN.4/1993/45/Rev.1 (E/CN.4/1993/L.10/Add.11).

24. Mr. GOONETILLEKE (Sri Lanka) said that his delegation would like to make a correction to paragraph 60 of E/CN.4/1993/L.10/Add.3 to bring it into line with the final paragraph of that document, in which the Chairman acknowledged that he had asked for the statement by the delegation of Sri Lanka to be included in the summary records of the Commission.

25. The statement by the delegation of Sri Lanka in pages 8-9 of that document should therefore be deleted from the report, and paragraph 60 should be reformulated to read as follows: "At the 68th meeting, on 11 March 1993, the representative of Sri Lanka made a statement concerning the situation of human rights in Sri Lanka. This statement was acknowledged by the Chairman as follows", after which the statement by the Chairman would begin.

26. Ms. PARK (Canada) said that it was her delegation's understanding that the statement concerning Sri Lanka was to be included under agenda item 12 and not agenda item 3.

27. Mr. GOONETILLEKE (Sri Lanka) said that, as the statement of his delegation on 11 March had not been made under any particular agenda item, it would be most appropriately reflected under "other matters".

28. Mr. MALHOTRA (India) said that it was the impression of his delegation, also, that the statement by the representative of Sri Lanka and the Chairman's response had not been made under any particular item and would therefore best be placed under "other matters".

29. Ms. PARK said that it should be possible to resolve the problem in consultation with the Secretary.

30. The draft report of the Commission, as a whole, was adopted.

31. The CHAIRMAN invited the delegations and observers to make the necessary approaches to their delegations in New York and elsewhere to ensure that the competent bodies of the Secretariat and of the General Assembly, and the Fifth Committee in particular, adopted the requisite financial measures to enable the resolutions adopted by the Commission at its forty-ninth session to be effectively implemented.

CONCLUDING STATEMENTS

32. Mr. GARRETON (Chile), speaking on behalf of the Latin American and Caribbean Group, said that the current session of the Commission had again afforded an opportunity to demonstrate that human rights and fundamental

freedoms were a basic component of the global agenda and a factor of political and social legitimacy. At its forty-ninth session, the Commission had made good progress in a number of thematic areas.

33. In particular, it had established a working group to consider the right to development and to formulate concrete proposals in the light of the principle of the indivisibility of economic, social, cultural, civil and political rights; the Commission's focus on such concerns as extreme poverty, the external debt and structural adjustment, migrant workers and their families, forced expulsions and the environment reflected the importance it attached to the right to development, which should not constitute a source of confrontation, but offer a new dimension for international understanding and cooperation.

34. Addressing new areas of concern, the Commission had appointed a special rapporteur to examine contemporary forms of racism, racial discrimination and xenophobia, and it had adopted a number of resolutions on such new thematic areas as bioethics, the regulation of computerized personal data files, AIDS and the movement and dumping of toxic and dangerous products and wastes, thereby demonstrating that the Commission was addressing new problems relating to human rights.

35. As for the human rights situations in various countries, there was growing acceptance of the idea that all geographic regions were of equal concern and that observance for human rights should not be selective, discriminatory or politicized.

36. The International Year of the World's Indigenous People had provided an opportunity to renew recognition of the rights of such populations and to ensure their sustainable development while preserving their cultural peculiarities.

37. The procedure for calling special sessions of the Commission must be defined more precisely to ensure that such sessions were not misused.

38. Its forty-ninth session had demonstrated the need for the Commission to streamline its agenda and to bring it more closely into line with the political and thematic problems and priorities of the day. The World Conference's evaluation and intersessional consultations should make it possible to redirect the Commission's agenda in a functional and balanced fashion.

39. Ms. PARK (Canada), speaking on behalf of the Group of Western European and other countries, said that the forty-ninth session of the Commission had broken new ground. The atmosphere had been more than usually charged, in part because of the forthcoming World Conference on Human Rights, and in part because the world was approaching a juncture in the way the international community dealt with human rights issues. The sheer volume of statements from Governments and non-governmental organizations and of reports and resolutions had reached an all-time high, and the schedule had been longer and more arduous than ever before.

40. The deliberations had given rise to a renewed interest and concern about how to improve the effective promotion and protection of human rights. The Commission had considered how it could make its work more relevant to the changing world environment, and it had examined ways of using its time more efficiently. There had been general recognition of the vital interrelationship between human rights, democracy and development. Perhaps most important of all, the Commission had begun to reach out across regional lines to promote more constructive dialogue among its members.

41. Mrs. SAMOYA (Burundi), speaking on behalf of the African Group, said that it had made every effort to ensure that its concerns were understood and accepted; the members of the Commission had reached a consensus on such important problems as the continuing violations of human rights in South Africa, the question of mercenaries and the problem of toxic and nuclear wastes.

42. The Commission had also to address such new and complicated issues as ethnic conflicts, displaced persons, extremism and fanaticism and the extreme poverty of the vast majority of the world's population, but the effective promotion and protection of human rights continued to make steady progress against the forces of oppression and servitude, and she was convinced that the spirit of the forty-ninth session would provide fresh impetus to the World Conference on Human Rights.

43. Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran), speaking on behalf of the Group of Asian countries, congratulated the Chairman on the efficient manner in which he had conducted the Commission's affairs at its forty-ninth session. The session had been held at the time of rising public expectations about the operation of mechanisms for the protection and promotion of human rights, in their economic, social and cultural as well as civil and political dimensions, as a responsibility of both Governments and international organizations. In that regard, the forthcoming World Conference on Human Rights provided an opportunity for dialogue that should not be missed. It could at least start a process leading to better understanding among peoples with different cultures, beliefs and traditions or varying economic and social backgrounds.

44. During its session, the Commission had been able to reach agreement on many crucial issues of its agenda and the vast majority of its decisions had, in fact, been taken by consensus. The Asian countries attached particular importance to the issue of cooperation in the field of human rights and to observance of the principles of non-selectivity, impartiality and objectivity, as provided for in Commission resolution 1993/59. To ensure an unbiased and fair approach to human rights issues, accurate, impartial and objective information on the political, economic and social situation and events in all countries was indispensable.

45. Such an approach contributed to the effective promotion, protection and realization of human rights and fundamental freedoms, as well as to strengthening international cooperation, which should be based on a profound understanding of economic, social and cultural realities and the complexity of different societies. It was therefore an absolute prerequisite for the Commission to maintain and enhance the confidence of Member States in its work.

46. Resolution 1993/94 was an important resolution aimed at ensuring the timely circulation of reports in accordance with the guidelines established by the General Assembly and at making appointments of special representatives, special rapporteurs and independent experts with due regard for geographical representation. Lastly, resolution 1993/22 was particularly useful as it provided, for the first time, for the establishment of a monitoring mechanism on the implementation of the Declaration on the Right to Development.

47. Mr. DEMBINSKI (Poland), speaking on behalf of the group of Eastern European countries, said that the forty-ninth session had been a very fruitful one since the representatives of States and of non-governmental organizations had shown that they all shared a common objective, namely the promotion and protection of human rights. That had made it possible to build bridges between different priorities and problems. The session had also shown the distance that the international community had travelled since the adoption of the Charter of the United Nations - including the innovative provisions in Article 2, paragraph 7 - and of the Universal Declaration of Human Rights. The human rights situations in various countries were being discussed freely and openly.

48. The session had, of course, experienced some difficulties and a number of long meetings had been necessary. In particular, it was regrettable that measures had not been taken to enable the Commission to rationalize its work still further. Nevertheless, it was important to emphasize the agreeable atmosphere in which the session had taken place, partly as a result of the fact that the cold war was over but also due to the effective guidance and perseverance of the Chairman and the valuable assistance of the Secretariat.

49. The CHAIRMAN, having thanked the group coordinators for their statements, said that each year in pursuing the noble mission entrusted to it, the Commission had strengthened its credibility with Member States and with international public opinion. Its role had grown, diversified and been further adapted to the diversity and complexity of the problems associated with the implementation and respect of human rights throughout the world.

50. At its forty-ninth session, it had been able to enjoy the dividends of an international political context improved by the disappearance of East-West tensions and where human rights, formerly a subsidiary question, had acquired real pre-eminence and placed the Commission at the centre of the expectations of a rapidly changing world. As the six weeks of long and arduous meetings drew to a close, it was time to sum up what the Commission had done to increase its credibility and strengthen its vigilance in the face of growing violations of human rights and to meet the expectations and hopes placed in it.

51. The Commission had welcomed 24 ministers and eminent political personalities and had received Mrs. Rigoberta Menchú, the Nobel Peace laureate, who had come to celebrate with it the International Year of the World's Indigenous People. The visit of six Nobel Peace Prizewinners, led by President Arias of Costa Rica, had also been one of the highlights of the session. No less important had been the participation in its work of several delegations of indigenous populations, who had made their concerns and expectations known to the international community and public opinion. On

International Women's Day, moreover, he had received delegations of women, some coming on foot from Bern, who had voiced their indignation about the rape of women in the former Yugoslavia and violence in general and had expressed their solidarity with the victims of human rights violations. All those visits confirmed the credibility of the Commission on Human Rights and served, in addition, to remind it of the heavy responsibility it bore.

52. Also to the Commission's credit was the fact that it had initiated important qualitative changes through the many resolutions it had adopted at its forty-ninth session. First of all, it had shown its will to take action and to increase its presence in the field. Particular mention should be made of the resolution to incorporate women's rights in the appropriate mechanisms of the United Nations and of the appointment of new special rapporteurs on burning issues requiring preventive action such as human rights violations in the occupied Arab territories, including Palestine, supervision of the transition towards a non-racist society in South Africa, contemporary forms of racism, racial discrimination and xenophobia and the right to freedom of opinion and expression.

53. The speakers on the question of the human rights situation in the former Yugoslavia had been unanimous in stigmatizing the massive violations of human rights perpetrated there and had in particular denounced the systematic rape of women. The Commission could not but rejoice at the decision taken by the Security Council on 22 February 1993 to establish an international tribunal to try persons responsible for violations of humanitarian law in the former Yugoslavia.

54. The second qualitative change introduced by the Commission was to accord considerable importance in its resolutions to economic, social and cultural matters and the question of development, responding to the concerns repeatedly expressed by representatives of the developing countries and proceeding from the principle of the indivisibility of civil, political, economic, social and cultural rights. The right to education, food, health, decent housing and a healthy environment were the foundations of the right to sustainable and equitable development and an integral part of the Commission's concerns.

55. The deliberations showed that no one right had primacy over another and that the Commission could not neglect issues such as extreme poverty, indebtedness or the right to development. It was in that spirit that the Commission had decided to set up a group of experts to identify obstacles to the effective implementation of the Declaration on the Right to Development and to report to it annually on that question with a view to orienting its decisions and those of the international community towards development and the full realization of economic, social and cultural rights. Those rights were clearly linked to the right to freedom of expression, physical integrity and the right to take part in public life within the framework of constitutional institutions, whose proper functioning was the best safeguard against the formidable temptations of extremism and fanaticism.

56. Those were major achievements, but there were also some areas of concern. First of all, it was regrettable that short-term political considerations should override considerations relating principally to the promotion and protection of human rights. Instead of the desired frank, objective and fair

dialogue about universal and common future-oriented concerns, the Commission too often heard one monologue after another on issues of passing importance. Such aberrations were to be avoided, since what brought the members of the Commission together was the common desire to promote human rights notwithstanding the diversity of political systems.

57. While the members of the Commission certainly represented States and might take divergent positions, they had a duty not to lose sight of the common objective, namely full and universal respect for human rights. The world could not be divided artificially into proponents and opponents of human rights without destroying the efforts to advance the cause of those rights. In his view, the Commission's role went beyond mere condemnations and consisted rather in establishing a dialogue with Governments concerned and encouraging them to cooperate. It was thus essential for the Commission to continue to ponder the best way of establishing relations of confidence and cooperation.

58. As everyone was aware the meetings at the forty-ninth session had frequently had to be extended to cope with an extremely heavy agenda. The number of speakers had increased considerably. While welcoming the growing interest in the Commission's activities, he wondered whether it might not be appropriate to consider rationalizing its work, by deciding either to extend the Commission's session or to restrict its agenda.

59. Consideration might, for example, be given to calling for an annual report by the Centre for Human Rights on the situation of human rights throughout the world, containing useful information - not only on human rights violations but also on progress achieved throughout the world - gathered from non-governmental organizations, Governments, special rapporteurs and other sources. Such a report, providing a complete and universal review of the situation of human rights, might help to reduce the descriptive element of the oral statements made in the Commission, which took up the greater part of its proceedings, and might allow more time for general and in-depth discussions of one or two topics to be defined at each session for the following session.

60. Those discussions would both permit more detailed analysis of conventional issues, including torture, enforced disappearances, arbitrary detention, displaced persons and the realization of economic, social and cultural rights and also make it possible to address new topics, such as the relationship between democracy, human rights and the right to development, and to elucidate some of the critical problems in a number of African countries where anarchy, domestic strife and national disasters were at the origin of massive human rights violations.

61. In that regard, it might be asked what measures the international community could recommend to enable the African continent to carry out its democratic transition and development successfully and make its contribution to international peace and security. If was unfortunate, in his view, that Africa's problems were addressed by the Commission only in the context of accusing political regimes of human rights violations. While some African countries certainly came under the particular scrutiny of the Commission, it was also true that Africa had the largest number of least-developed countries and the largest number of displaced, refugee or distressed populations.

62. It thus needed greater attention and greater solidarity on the part of the international community to ensure its stable transition towards democracy. Accordingly, he hoped that by the next session delegations, non-governmental organizations and the United Nations bodies concerned would produce a wide range of proposals enabling that question and others of no less importance to be examined in depth through better rationalization of the Commission's work.

63. The Commission had so far focused its attention on the relationship between the rulers and the ruled. The pressure it brought to bear on Governments to ensure greater respect for human rights had yielded and would certainly continue to yield some results. However, in his view, those results were bound to remain limited for at least two reasons: first, profound social and political changes were sustainable only if they came from within and responded to pressing and organized social demand; and, secondly, human rights violations stemmed not only from political systems that were totalitarian or showed little respect for the human person, but derived also from particular economic and social contexts and were very often the result of inadequate education that did not give due emphasis to respect for the human person.

64. For those reasons, the strategy for the promotion of human rights needed to be global and long-term. The aim would continue to be that of changing national policies so as to promote freedoms and human dignity, but the Commission must also commit itself to contributing to changing the international environment in a way that would favour the development of men and peoples, as well as to changing behaviour and attitudes and bringing up generations of men and women imbued with respect for human dignity.

65. Accordingly, the Commission must keep in mind that respect for and promotion of human rights at the universal level was a long-term challenge and that the essential purpose of its action was not only to modify the present but also and especially to prepare for the future.

CLOSURE OF THE SESSION

66. After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 9.05 p.m.